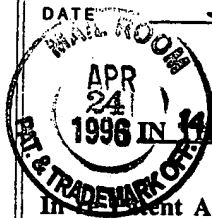


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AHP-9897-6-N5
PATENT

DATE



Angela King
April 19, 1996

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor Application of: R.E. Morris
C.R. Gregory

6

Serial No.: 08/452,051

Examiner: Witz

Filed: May 26, 1995

Group: 1808

For: Method of Treating Hyperproliferative Vascular Disease

Assistant Commissioner for Patents
Washington, DC 20231

**RESPONSE UNDER RULE 111 AND SUBMISSION OF TERMINAL
DISCLAIMER UNDER RULE 321**

Sir:

Please enter the following response in the above-identified application :

Claims 15-18 are in the application and stand rejected. After this response, Claims 15 and 18 will remain in the application.


Claims 15-18 stand rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-13 of U.S. Patent 5,288,711 and Claims 5 and 7-10 of copending U.S. Patent Application Serial Nos. 08/238,305 and 08/451,605.

With respect to the double patenting rejection over U.S. Patent 5,288,711 and U.S.S.N. 08/238,305, the applicants hereby submit a Terminal Disclaimer pursuant to 37 C.F.R. 1.321, thereby overcoming the rejection with respect to U.S. Patent 5,288,711 and U.S.S.N. 08/238,305. U.S.S.N. 08/451,605 has been expressly abandoned, thereby rendering the rejection moot with respect to U.S.S.N. 08/451,605.

Based on the submission of the Terminal Disclaimer in this case, the applicants respectfully request reconsideration of the obviousness-type double patenting rejections, that the rejection of Claims 15-18 be withdrawn, that these claims be allowed, and that the case be passed to issue.

Respectfully submitted,

Dated: April 19, 1996
Telephone: (610) 902-2635


Arnold S. Milowsky
Reg. No. 35,288

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
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AHP-9897-6-N5
PATENT

DATE

April 19, 1996
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

R.E. Morris
C.R. Gregory

APPROVED

Serial No.: 08/452,051

Examiner: Witz

Filed: May 26, 1995

Group: 1808

For: Method of Treating Hyperproliferative Vascular Disease

Assistant Commissioner for Patents
Washington, DC 20231

TERMINAL DISCLAIMER

Sir:

Your Petitioner, American Home Products Corporation, a corporation duly organized and existing under the laws of the State of Delaware, with offices at Five Giralda Farms, Madison, New Jersey 07940-0874, the assignee of the entire right, title and interest in U.S. Patent 5,288,711 (by virtue of an assignment recorded at Reel 6459, Frame 0278), U.S. Patent Application Serial No. 08/238,305 (by virtue of an assignment recorded at Reel 7077, Frame 0687), and U.S. Patent Application Serial No. 08/452,051 (by virtue of an assignment recorded at Reel 7077, Frames 0687) does hereby disclaim the terminal part of any patent granted on U.S. Patent Application Serial No. 08/452,051 which would extend beyond the expiration date of the full statutory term, including any statutory extension thereof, as presently shortened by any terminal disclaimer, of U.S. Patent 5,288,711 or any patent that is granted on U.S. Patent Application Serial No. 08/238,305, except to the extent that the term of this Application Serial No. 08/452,051 might be extended pursuant to the Drug Price Competition and Patent Term Restoration Act of 1984 (35 USC 156) or any other applicable act of Congress.

American Home Products Corporation hereby agrees that any patent granted on U.S. Patent Application Serial No. 08/452,051 shall be enforceable only for and during such period that the legal title to U.S. Patent 5,288,711 and U.S. Patent Application Serial No. 08/238,305 shall be the same as the legal title to any patent granted on said U.S. Patent Application Serial No. 08/452,051, this agreement to run with any patent granted on said U.S. Patent Application Serial No. 08/452,051 and to be binding upon the grantee, its successors or assigns.

American Home Products Corporation does not disclaim any terminal part of any patent granted on this U.S. Patent Application Serial No. 08/452,051 prior to the expiration date of


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the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent 5,288,711 or any patent granted on U.S. Patent Application Serial No. 08/238,305, in the event that later said U.S. Patent 5,288,711 or any patent granted on U.S. Patent Application Serial No. 08/238,305 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

American Home Products Corporation has reviewed the evidentiary documents submitted to establish its ownership of the patents and patent applications referred to in this Terminal Disclaimer and certifies that to the best of its knowledge and belief, title is in American Home Products Corporation.



Arnold S. Milowsky
Attorney of Record
for American Home Products Corporation
Reg. No. 35,288

Dated: April 19, 1996
Telephone (610) 902-2635

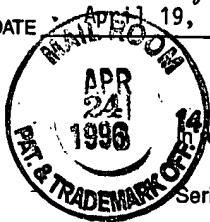
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AHP-9897-6-N5
PATENT

Patent Application of R. E. Morris et al.

Serial No. 08/452,051

Examiner Witz

Filed May 26, 1995

Group 1808

For Method of Treating Hyperproliferative
Vascular Disease

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

☐ No additional fee is required.

The fee has been calculated as shown below.

CLAIMS AS AMENDED							
	(1)	(2) CLAIMS REMAINING AFTER AMENDMENT	(3)	(4) HIGHEST NO. PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEE
TOTAL CLAIMS	4	MINUS	**	20	0	x \$22.	\$0.00
INDEP. CLAIMS	1	MINUS	***	3	0	x \$78.	\$0.00
MULTIPLE DEPENDENT CLAIMS	0			0	0	\$250.	\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT							\$0.00

- * If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
*** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.

- ☒ Fee for Terminal Disclaimer under 37CFR 1.20 (d) (\$110.00) also transmitted herewith.
- ☐ A check in the amount of \$_____ is attached.
- ☒ Charge \$ 110.00 to Deposit Account No. 01-1425. Two additional copies of this sheet are enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 01-1425. Two additional copies of this sheet are enclosed.

Arnold S. Milowsky Reg. No. 35,288
April 19, 1996